

<sup>1</sup> See North Carolina Department of Correction Offender Public Information, Wayne D. Leneau, *available at*:

Therefore, Petitioner does not meet the “in custody” requirement and this Court has no jurisdiction over Petitioner’s § 2254 petition.

**THEREFORE, IT IS HEREBY ORDERED** that:

1. Petitioner’s Petition pursuant to 28 U.S.C. § 2254, is DISMISSED as this Court is without jurisdiction to consider the petition;
2. Petitioner’s Application to Proceed in District Court Without Prepaying Fees or Costs is DISMISSED as moot;
3. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, this Court declines to issue a certificate of appealability as Petitioner not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

Signed: March 30, 2011



Robert J. Conrad, Jr.  
Chief United States District Judge

